



EV 026158791

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/047,198
Filing Date October 26, 2001
Inventor Gilbert, et al.
Assignee Pyrotek, Inc.
Group Art Unit 3745
Examiner Not yet assigned
Attorney's Docket No. PY2-023
Title: Molten Metal Pump Particle Passage System

**PETITION FOR DETERMINATION THAT FIGURES 11 AND 12,
SHEET 6 OF 8, WAS RECEIVED BY THE U.S. PTO**

To: Assistant Commissioner for Patents
Washington, D.C. 20231

From: Mark W. Hendricksen (Tel. 509-624-4276; Fax 509-838-3424)
Wells, St. John, Roberts, Gregory & Matkin P.S.
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Applicant filed the above-referenced U.S. patent application on October 26, 2001 and included in the filing were 8 sheets of figures, labeled figures 1 through 15. Although the figure number 7 was skipped, there were 14 figures on 8 drawing sheets which were filed. The drawings were mis-numbered so that there was no figure 7; however, sheet 6 of 8 was filed and contained figures 11 and 12. The PTO has indicated figures 11 and 12 were omitted items.

The applicant hereby petitions that the U.S. Patent & Trademark Office determine that the items were actually received by the U.S. PTO, based upon the Declaration of Mark Hendricksen and the documents provided in support thereof.

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37 C.F.R. §1.10(a) provides:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation.

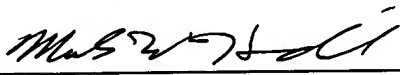
In this case, the documentation attached to the Declaration of Mark Hendricksen clearly establishes that the proper Express Mail procedure was followed; that the USPS properly initialed acceptance on October 26, 2001; the Ex Post Declaration clearly shows 8 sheets of formal drawings, Figs. 1-15; and the postcard received back clearly shows that 8 sheets of formal drawings were provided. The drawings are clearly labeled sheets 1 through 8, and sheet 6 included figures 11 and 12.

Based on the foregoing, the applicant has complied with the rules and hereby petitions that the U.S. Patent & Trademark Office determine that the omitted items, namely figures 11 and 12, were received by the U.S. PTO on October 26, 2001.

In accordance with the requirements, the applicant has submitted a petition fee of \$130.00, and due to the evidence that the deposit was made, the applicant hereby respectfully requests that the petition fee be refunded.

Respectfully submitted,

Dated: 4/17/02

By: 
Mark W. Hendricksen
Reg. No. 32,356

